

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THOMAS M. CURTIS,

Plaintiff,

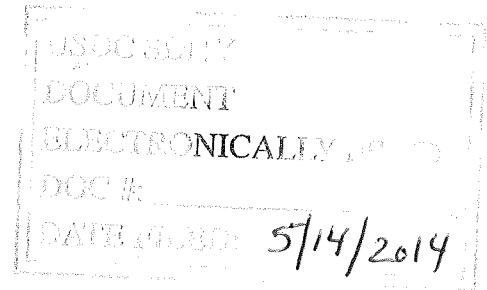
-v-

CENLAR FSB, d/b/a CENTRAL LOAN  
ADMINISTRATION & REPORTING; CENLAR  
AGENCY, INC., and FEDERAL HOME LOAN  
MORTGAGE CORPORATION.

Defendants.  
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13 Civ. 3007 (DLC)

ORDER



DENISE COTE, District Judge:

By Order of April 28, 2014 ("April 28 Order"), the pro se plaintiff Thomas Curtis ("Curtis") was ordered to "include an affidavit of service with every submission to the Court indicating that the document has been served as well on defense counsel." Curtis was advised that "[f]ailure to do so will result in the document being rejected for filing."

On May 9, Curtis sent a memorandum addressed to a Rule 30(b)(6), Fed. R. Civ. P., deposition in the above captioned matter to the Pro Se Office. Curtis submitted an affidavit in which he affirmed that he "delivered the attached Memorandum dated May 9, 2014 to the pro se desk for ECF filing on this date so that the same shall be deemed service on the remaining defendants . . . ." The Pro Se Office docketed the memorandum on ECF on May 12.

By letter of May 12, defendants Cenlar, FSB, Cenlar Agency, Inc., and the Federal Loan Mortgage Corporation (collectively, the "Defendants") complain that Curtis failed to serve the memorandum on them directly, but instead filed it with the Pro Se Office to be docketed by that office on ECF and served on them electronically. The defendants explain that they did not receive the memorandum until May 12. They contend that Curtis failed to comply with the service requirement of the April 28 Order. They request that the Court reject Curtis's memorandum for filing, or in the alternative that the defendants' time to respond be extended from May 16 to May 19.

Rule 9.2 of the SDNY Electronic Case Filing Rules provides that "where the Clerk scans and electronically files pleadings and documents on behalf of a pro se party, the associated [Notice of Electronic Filing] constitutes service." Accordingly, it is hereby

ORDERED that the April 28 Order that Curtis file an affidavit of service with every submission to the Court is vacated.

IT IS FURTHER ORDERED that the Defendants' request that Curtis's memorandum be rejected for filing is denied.


IT IS FURTHER ORDERED that any existing deadline for the Defendants to respond to any filing by Curtis shall be extended by the number of days between the date of Curtis's submission

and the Defendants' receipt of service on ECF by Notice of Electronic Filing.

IT IS FURTHER ORDERED that the Defendants' request for an extension of time to May 19 to respond to Curtis's Rule 30(b)(6) memorandum is granted.

SO ORDERED:

Dated: New York, New York  
May 13, 2014

  
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DENISE COTE  
United States District Judge

COPY MAILED TO:

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